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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/042,047

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EXAMINER

HANNE, SARA M

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/042,047

Applicant(s)

COLSON ET AL.

Examiner

SARA M. HANNE

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/3/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 10, 13-16, 19-23, 25-31, 33-39 and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 10, 13-16, 19-23, 25-31, 33-39 and 41-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-4, 7-8, 10, 13-16, 19-23, 25-31, 33-39 and 41-46 are pending in the application.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/3/08 has been entered.

Claim Objections

3. Claim 16 objected to because of the following informalities: Claim 16 depends from a cancelled claim, Claim 12. It appears from the pattern of dependent claims that it is meant to depend from Claim 14. For purposes of examination only, it will be treated as such, however appropriate correction is required in the next correspondence.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 7, 8, 10, 27-31 and 33-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The system of the claims has not been defined by the specification nor by the body of the claim to be limited to a

statutory class of invention. It is possible that the means for executing the steps of the claim merely constitute software per se, and thus is nonstatutory.

6. Claims 13-16 and 35-39 and 41-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program product of the claims does not fall within one of the four statutory classes of invention. A product is a result and cannot be executed on a computer readable medium. The body of the claims merely recite all code intended to perform steps, ie. software per se, and thus is nonstatutory.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. As in Claims 1-2, 13-14, 19-20, 22, 25-28, 30, 33-36, 38 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al., US Patent Application Publication 2004/0107356, Nicolas, US Patent 6593944, hereinafter Nicolas, and further in view of Oh, US Patent Application Publication 2003/0126014.

As in Independent Claims 1, 13, 19, 27 and 35, Shamoon teaches a method, system and computer program product for requesting a single web page's content from a network content server (Par. 311, 386), displaying on the user device multiple options from a billing server (Par. 320, 329, 443) to a single user of the user device to view the single web page's content for a price (Par. 475), wherein each option has a different price based on how many ads are displayed (Shamoon teaches display for free, zero dollars, or for a price, X dollars based on viewing with or without ads) selecting, by the single user at the user device, an option (Par. 476), receiving, at the user device, a requested content from the single web page according to the selected option wherein the requested content excludes advertising banners (Par. 358 and 468) and displaying on the user device the requested content from the single web page (Par. 475, 476, and example in Par. 522). While Shamoon discloses requesting a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page (See Claim 1 rejection *supra*) and the appliance which displays the web page to be "any computing device" such as a PC (Par. 247), they fail to clearly teach each

option based on how many banners are excluded from the original web page content, the web page content displayed on a PDA having a limited sized display as recited in the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Shamoon. Nicolas further teaches each option based on how many banners (Col. 11, lines 28-30 where the user can choose whether to display all frames or display one frame) are excluded from the original web page content (Col. 2, lines 43-45), the web page content displayed on a PDA having a limited sized display (Col. 2, lines 46-47), wherein one option forces the PDA to display some, but not all, advertising banners that were originally part of the single web page's content (selection and display of top banner, fig. 9b, 731 A). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon and Nicolas before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon to include the options based on how many banners are excluded from the original web page content PDA implementation of Nicolas, in order to obtain PDA access and retrieval of portions of a webpage selectable according to pricing options based on how many ad banners are excluded from the original page's content. One would have been motivated to make such a combination because a billable Internet interface to optionally charge for web page access for minimizing the amount of data presented due to limited space would have been obtained, as taught by Nicolas (Col. 1, line 53 et seq.).

While Shamoon and Nicolas teaches PDA access and retrieval of portions of a webpage selectable according to pricing options based on how many ad banners are excluded from the original page's content, they fail to show the displaying simultaneously more than one, but less than all advertising banners by excluding advertising banners that are originally part of the single web page's content as recited in the claims. In the same field of the invention, Oh teaches a web page filtering display based on a fee system similar to that of Shamoon and Nicolas. In addition, Oh further teaches displaying simultaneously more than one, but less than all advertising banners (Fig. 3, s216 and Par. 63) by excluding advertising banners that are originally part of the single web page's content (Fig. 9D-9E and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon and Nicolas and Oh before him at the time the invention was made, to modify PDA access and retrieval of portions of a webpage selectable according to pricing options based on how many ad banners are excluded from the original page's content taught by Shamoon and Nicolas to include the displaying simultaneously more than one, but less than all advertising banners by excluding advertising banners that are originally part of the single web page's content of Oh, in order to obtain PDA access and retrieval of portions of a webpage selectable according to pricing options based on how many ad banners are excluded from the original page's content such that one option will display simultaneously more than one, but less than all advertising banners by excluding advertising banners that are originally part of the single web page's content. One would have been motivated to make such a combination because granting the user the write

to view a less cluttered web page would have been obtained as well as increasing the transmission speed of the web page (Par. 004), as taught by Oh.

As for Claims 2, 14, 20, 28 and 36, While Shamoon and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options as seen in the independent claims, they fail to explicitly teach a slider bar to vary the selected options as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use a slider bar for selection of options on a display as opposed to single option selection. One would have been motivated to make such a combination because a keyboard arrow input selection method when a mouse is not available would have been obtained.

As in Claims 22, 30 and 38, Shamoon teaches multiple options are defined by a non-URL descriptive portion of a script header to the web page content (Par. 454 et seq. and Figures 2, 7 with corresponding text).

As in Claims 25, 33 and 41, Shamoon teaches the network content server is on the Internet (Par. 311).

As in Claims 26, 34 and 42, Shamoon teaches the billing server and the network content server are a same device (Par. 352 and 443).

9. Claims 3-4, 15-16, 21, 29, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al., US Patent Publication 2004/0107356, Nicolas et al., US Patent 6593944, hereinafter Nicolas, Oh, US Patent Application Publication

2003/0126014 and further in view of Dalzell et al., US Patent Application Publication 20030204447.

As in Claims 3, 15, 21, 29, and 37, Shamoon, Nicolas and Oh teach the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options (See rejection of Independent Claims supra). While Shamoon, Nicolas and Oh teach the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options, they fail to show the options are further based on the age of the content as recited in the claims. In the same field of the invention, Dalzell teaches an option based selection system similar to that of Shamoon, Nicolas and Oh. In addition, Dalzell further teaches the options are further based on the age of the content (Par. 71). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon, Nicolas, Oh and Dalzell before him at the time the invention was made, to modify the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options taught by Shamoon, Nicolas and Oh to include the options are further based on the age of the content of Dalzell, in order to obtain teach the PDA implementation of requesting web page content, displaying multiple priced options based on the age of the content and the user selecting and receiving one of the options. One would have been motivated to make such a combination because it would provide enhanced capability of assisting potential buyers in efficiently locating marketplace listings for a particular product would have been obtained, as taught by Dalzell, (par. 13).

As in Claims 4 and 16 While Shamoon, Nicolas, Oh and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options based on age and the user selecting and receiving one of the options as seen in the independent claims, they fail to explicitly teach a slider bar to vary the selected options as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use a slider bar for selection of options on a display as opposed to single option selection. One would have been motivated to make such a combination because a keyboard arrow input selection method when a mouse is not available would have been obtained.

10. Claims 23, 31 and 39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al., US Patent Publication 2004/0107356, Nicolas et al., US Patent 6593944, hereinafter Nicolas, Oh, US Patent Application Publication 2003/0126014 and further in view of Mitchell, US Patent 6701350.

Shamoon, Nicolas and Oh teach a script in the header and parsing the script from the script header to generate at the PDA a display of the multiple options (Par. 76 et seq.). Shamoon, Nicolas and Oh fail to teach XML as recited in the claims. In the same field of the invention, Mitchell teaches a web page display mechanism similar to that of Shamoon, Nicolas and Oh. In addition, Mitchell further teaches an XML script in the header and parsing the script from the script header to generate at the user device a display of the multiple options (Col. 2, line 60 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon, Nicolas, Oh and

Mitchell before him at the time the invention was made, to modify the requesting of a single web page at a PDA, and according to a parsed header script, generate a display of differently priced options based on excluded ads pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoan, Oh and Nicolas to include the XML header of Mitchell, in order to obtain implementation of the header execution in order to display different priced options to the user for viewing a portion of web page content. One would have been motivated to make such a combination because a universally accepted, web browser compatible header for the invention would have been obtained, as taught by Mitchell (Col. 2, lines 60 et seq.).

11. Claims 43 and 44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoan et al., US Patent Publication 2004/0107356, Nicolas et al., US Patent 6593944, hereinafter Nicolas, Oh, US Patent Application Publication 2003/0126014 and further in view of Ogilvie, US Patent 6343.

Shamoan, Nicolas and Oh teach a PDA displaying multiple options, one for displaying the content with advertising, and one for displaying the page without the advertisements (See Claim 1 rejection *supra*). Shamoan, Nicolas and Oh fail to teach bartering prices for the web content as recited in the claims. In the same field of the invention, Ogilvie teaches a web page display mechanism similar to that of Shamoan, Nicolas and Oh. In addition, Ogilvie further teaches bartering prices for the web content (Col. 25, lines 12-20). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoan, Nicolas, Oh and Ogilvie before him at the time the

invention was made, to modify the requesting of a single web page at a PDA, and according to a parsed header script, generate a display of differently priced options based on excluded ads pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon, Nicolas and Oh to include bartering prices for the web content of Ogilvie, in order to obtain the user transmitting bartering prices for the different priced options for viewing a portion of web page content with or without advertisements. One would have been motivated to make such a combination because a way to provide the user with leeway pricing would have been obtained, as taught by Ogilvie.

12. Claims 45 and 46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al., US Patent Publication 2004/0107356, Nicolas et al., US Patent 6593944, hereinafter Nicolas, Oh, US Patent Application Publication 2003/0126014 and further in view of Zondervan et al., US Patent 7334050, hereinafter Zondervan.

Shamoon, Nicolas and Oh teach a script in the header and parsing the script from the script header to generate at the PDA a display of the multiple options (Par. 76 et seq.). Shamoon, Nicolas and Oh fail to teach transcoding the web content from HTML to VoiceXML dependent upon the option selected by the user as recited in the claims. In the same field of the invention, Zondervan teaches a web page display mechanism similar to that of Shamoon, Nicolas and Oh. In addition, Zondervan further teaches transcoding the web content from HTML to VoiceXML dependent upon the option selected by the user (Fig. 10 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon, Nicolas, Oh

and Zondervan before him at the time the invention was made, to modify the requesting of a single web page at a PDA, and according to a parsed header script, generate a display of differently priced options based on excluded ads pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon, Nicolas and Oh to include the transcoding the web content from HTML to VoiceXML dependent upon the option selected by the user of Zondervan, in order to obtain implementation of displaying different priced options to the user for viewing a portion of web page content, one option transcoding the web content from HTML to VoiceXML. One would have been motivated to make such a combination because a handicapped accessible, for-profit web viewing would have been obtained, as taught by Zondervan.

13. Claims 7-8 and 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al., US Patent Publication 2004/0107356, Nicolas et al., US Patent 6593944, hereinafter Nicolas and further in view of Dalzell et al., US Patent Application Publication 20030204447.

As in Independent Claim 7, Shamoon teaches a system comprising means for requesting a single web page's content from a network content server (Par. 311, 386), means for displaying on the user device multiple options from a billing server (Par. 320, 329, 443) to a single user of the user device to view the single web page's content for a price (Par. 475), wherein each option has a different price a time sensitivity of data in the single web page's content (Par. 287) means for selecting, by the single user at the

user device, an option (Par. 476), means for receiving, at the user device, a requested content from the single web page and according to the selected option wherein the requested content is less than all of the web page's content (Par. 358 and 468) and means for displaying on the user device the requested content from the single web page (Par. 475, 476, and example in Par. 522). While Shamoon discloses requesting a single web page, different price based on time sensitivity of data in at least a portion of the single web page's content, they fail to clearly teach the web page content displayed on a PDA having a limited sized display as recited in the claims. In the same field of the invention, Nicolas teaches a web page display mechanism similar to that of Shamoon. Nicolas further teaches the web page content displayed on a PDA having a limited sized display (Col. 2, lines 46-47). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon and Nicolas before him at the time the invention was made, to modify the requesting of a single web page, displaying differently priced options pertaining to a portion of the single web page, selecting an option, retrieving and displaying the corresponding portion of the single web page taught by Shamoon PDA implementation of Nicolas, in order to obtain PDA access and retrieval of portions of a webpage selectable according to pricing options based on the time sensitivity of a portion of the page's content. One would have been motivated to make such a combination because a billable Internet interface to optionally charge for web page access for minimizing the amount of data presented due to limited space would have been obtained, as taught by Nicolas (Col. 1, line 53 et seq.). While Shamoon and Nicolas teach the PDA implementation of requesting web page content, displaying

multiple priced options and the user selecting and receiving one of the options, they fail to show the options are further based on the age of the content as recited in the claims. In the same field of the invention, Dalzell teaches a option based selection system similar to that of Shamoon and Nicolas. In addition, Dalzell further teaches the options are further based on the age of the content (Par. 71). It would have been obvious to one of ordinary skill in the art, having the teachings of Shamoon and Nicolas and Dalzell before him at the time the invention was made, to modify the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options taught by Shamoon and Nicolas to include the options are further based on the age of the content of Dalzell, in order to obtain teach the PDA implementation of requesting web page content, displaying multiple priced options based on the age of the content and the user selecting and receiving one of the options. One would have been motivated to make such a combination because it would provide enhanced capability of assisting potential buyers in efficiently locating marketplace listings for a particular product would have been obtained, as taught by Dalzell, (par. 13).

As for Claim 8, While Shamoon and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options and the user selecting and receiving one of the options as seen in the independent claims, they fail to explicitly teach a slider bar to vary the selected options as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use a slider bar for selection of options on a display as opposed to single option selection. One would

have been motivated to make such a combination because a keyboard arrow input selection method when a mouse is not available would have been obtained.

As in Claim 10, While Shamoon, Dalzell and Nicolas teach the PDA implementation of requesting web page content, displaying multiple priced options based on age and the user selecting and receiving one of the options as seen in the independent claims, they fail to explicitly teach a slider bar to vary the selected options as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use a slider bar for selection of options on a display as opposed to single option selection. One would have been motivated to make such a combination because a keyboard arrow input selection method when a mouse is not available would have been obtained.

Response to Arguments

Applicant's arguments with respect to the Independent Claims 1, 13, 19, 27 and 35, have been considered but are moot in view of the new ground(s) of rejection.

The limitation argued by the applicant stating "more than one, but less than all" is taught by the newly presented Oh reference as seen *supra*.

The rejection of Independent Claim 7, has changed to incorporate the newly added Claim limitations (taught by Dalzell). Dalzell further presents the user with price options for displaying content based on the age of the content (claim 7 rejection *supra*).

The dependent claims were not argued for reasons other than their dependency on the independent claims defended above.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar fee-based web retrieval systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sara M Hanne/
Examiner, Art Unit 2179